

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

NATIONAL LIABILITY & FIRE INSURANCE CO. :

and :
:

BOAT OWNERS ASSOCIATION OF THE : Civil Action No: 17-38-S-PAS
UNITED STATES :
:

Plaintiffs, : In Admiralty
:

v. :
:

NATHAN CARMAN :
:

Defendant. :
:

**PLAINTIFFS' STATEMENT REGARDING
DEFENDANT'S PRE-TRIAL MEMORANDUM**

Claiming an August 24, 2018 court deadline for the filing of pre-trial memoranda in this case, Defendant Nathan Carman disingenuously filed his a day afterwards. In it he claims "we are now three months past the expert disclosure deadline and Plaintiffs have not disclosed a single expert witness which they intend to call at trial." ECF No. 80 at 3-4. His premise is wrong because discovery delays in this case are solely his doing.

In the Court's March 30, 2018 Order, ECF No. 59, Nathan Carman's fact deposition was ordered resumed and a new pre-trial schedule was set, with factual discovery to close by April 27, Plaintiffs' expert disclosures by May 18, with other deadlines thereafter, *id.* at 7. However, Nathan Carman delayed his deposition resumption and dragged this case out by objecting to that Order, ECF No. 61, with Plaintiffs' opposition also due April 27, 2018 in which we timely renewed our motion to extend court deadlines so that Nathan Carman's deposition could be completed, ECF

No. 64 at 8.

After Chief Judge Smith denied Nathan Carman's objection on June 29 his deposition was resumed July 17, 2018 and is still not completed. This was all brought to the Court's and Defendant's attention on July 19, 2018 in Plaintiffs' status report when we reported we had just subpoenaed Shooters Outpost for more fact discovery (which Defendant did not oppose), noting "The parties also need a new fact discovery completion date and a corresponding extension of other deadlines." ECF No. 67; see also ECF No. 71 at 13 (fourth motion to compel brief).

In sum, Defendant's claim that any court deadlines have passed is belied by his own fact deposition resumption which was affirmed by the June 29, 2018 Text Order two months after a fact discovery deadline he made obsolete. Until after the completion of Nathan Carman's deposition which is crucial fact discovery, and which he himself solely delayed, Plaintiffs will be unable to disclose their experts' opinions.

RESPECTFULLY SUBMITTED August 28, 2018.

PLAINTIFFS

/s/ David J. Farrell, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2018 I filed this statement *via* the CM/ECF System, through which a copy will be electronically delivered to Attorneys Anderson and Humphrey.

/s/ David J. Farrell, Jr.